Remarks

Claims 1-20 are at issue. Claims 1-3, 7, 8, 10, 11, 14-17 & 19 stand rejected under 35 USC 102(e) as being anticipated by Koshima et al (US 6415155). Claims 4-6, 9, 12, 13, 18 & 20 stand rejected under 35 USC 103(a) as being unpatentable over Kohima et al

Claim 1 requires a wearable tag capable of receiving a positioning signal from several positioning systems and then transmitting a tag position to a computer. The Examiner points to Koshima and the phone 7 as the wearable tag. However, the phone 7 does not transmit a phone position, it transmits field intensity information to the personal computer 1A, which determines the position (Actually best radio reception) of the phone 7, See Col. 6, lines 4-6). It is also highly doubtful that a phone is a wearable tag. Claim 1 is allowable over the prior art.

Claim 2 requires a time modulated signal (like a frequency or amplitude or phase modulated signal). None the sections pointed to by the Examiner shows a time modulated signal. A computer search of the patent does not show the use of the words "time modulated". Claim 2 is clearly allowable over the prior art.

Claim 3 requires a time modulated transmission system. None the sections pointed to by the Examiner shows a time modulated signal. A computer search of the patent does not show the use of the words "time modulated". Claim 3 is clearly allowable over the prior art.

Claim 4 requires that there be an alarm when the wearable tag has been stationary for a period of time. The Examiner points to McCarthy paragraph 0009. A careful reading of McCarthy shows that the paragraph is talking about measuring the thermal energy in a trunk of a car. This is not a wearable tag and does not measure if the tag is stationary (the trunk is always stationary with respect to the car). The paragraph does say that if the thermal energy is greater than a predetermined level, the car then determines if it is stationary. It does not determine if the car has been stationary for a predetermined period of time. Claim 4 is allowable over the prior art.

Claim 5 requires an audible alarm. The section pointed to in McCarthy by the Examiner does not state anything about an audible alarm. Claim 5 is allowable over the prior art.

Claim 6 requires the tag to measure the user's vital signs. The section pointed to in McCarthy by the Examiner does not state anything about vital signs. Claim 6 is allowable over the prior art.

Claim 7 requires a time modulated receiver. None the sections pointed to by the Examiner shows a time modulated signal. A computer search of the patent does not show the use of the words "time modulated". Claim 7 is clearly allowable over the prior art.

Claim 8 is allowable as being dependent upon an allowable base claim.

Claim 9 requires the console to flash when there is an alert from the tag. The section pointed to in McCarthy by the Examiner does not state anything about a flashing indicator when there is an alarm. Claim 9 is allowable over the prior art.

Claim 10 requires determining a position of the positioning subsystems. Koshima et al do not determine the position of the repeaters 50 of ID transmitters 60. Koshima is only interested in the position of the phone in order to determine which repeater to use, the absolute position of the repeaters is irrelevant to Koshima. In the present application, the tag is on a human in a burning building, in one example, and we need to know the absolute position of the positioning subsystems in order to calculate the absolute position of the person wearing the tag. Otherwise the system is useless to firefights etc.

In addition, Koshima does not calculate the position of the phone, he just determines which repeater 50A-C has the strongest radio signal. The strongest radio signal might not be the repeater nearest the phone due to multipath and fade issues. In an urban environment, it is quite common for the repeater with the strongest signal to be farther away than another repeater due to physical obstacles. Clearly, Koshima does not really determine a position of the phone, just the received signal strength of the repeaters. Claim 10 is allowable over the prior art.

Claim 11 is allowable for the same reasons as claim 10.

Claim 12 requires that there be an alert when the wearable tag has been stationary for a period of time. The Examiner points to McCarthy paragraph 0009. A careful reading of McCarthy shows that the paragraph is talking about measuring the thermal energy in a trunk of a car. This is not a wearable tag and does not measure if the tag is stationary (the trunk is always stationary with respect to the car). The paragraph does say that if the thermal energy is greater than a predetermined level, the car then determines if it is stationary. It does not determine if the car has been stationary for a predetermined period of time. Claim 12 is allowable over the prior art.

Claim 13 requires an audible alarm. The section pointed to in McCarthy by the Examiner does not state anything about an audible alarm. Claim 13 is allowable over the prior art.

Claim 14 requires a time modulated ultra wide band multiple access transmission system (like a frequency or amplitude or phase modulated signal). None the sections pointed to by the Examiner shows a time modulated signal, let alone a wide band multiple access transmission system. A computer search of the patent does not show the use of the words "time modulated". Claim 14 is clearly allowable over the prior art.

Claim 15 requires a directional antenna. There is no discussion in McCarthy of a directional antenna and the Examiner has not even attempt to point to a section showing such a feature. Claim 15 is allowable.

Claims 16 & 17 requires an impulse radio transmitter. This is clearly not shown in McCarthy. None the sections pointed to by the Examiner shows a time modulated signal. A computer search of the patent does not show the use of the words "time modulated". Claims 16 & 17 are clearly allowable over the prior art.

Claim 18 requires that there be an alarm when the wearable tag has been stationary for a period of time. The Examiner points to McCarthy paragraph 0009. A careful reading of McCarthy shows that the paragraph is talking about measuring the thermal energy in a trunk of a car. This is not a wearable tag and does not measure if the tag is stationary (the trunk is always stationary with respect to the car). The paragraph does say that if the thermal energy is greater than a predetermined level, the car then determines if it is stationary. It does not determine if the car has been stationary for a predetermined period of time. Claim 18 is allowable over the prior art.

Claim 19 requires a directional antenna. There is no discussion of directional antennas in Koshima and the Examiner has not even attempt to point to such a discussion. Claim 19 is allowable over the prior art.

Claim 20 requires a GPS receiver. The section of McCarthy pointed to by the Examiner does not discussion a GPS receiver. Claim 20 is allowable over the prior art.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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I hereby certify that an Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria, VA 22313-1450, on:

2/6/04 _____
Date Signature (Dale Halling)